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Please reply to New Jersey office.

September 7, 1988

Donna McCartney, Compliance Officer
U.S. Environmental Protection Agency Region III
PA CERCLA Remedial Enforcement Section (3HW12)
841 Chestnut Building, 6th floor
Phikadekphia, Pennsylvania 19107

RECEIVED

CERCLA REMEDIAL ENFORCEMENT SECTION

SEP 12 1988

Re: Tonolli Corporation Site, Carbon County, Pennsylvania **EPA-Region III**

Dear Ms. McCartney:

Please be advised that this office represents Joe's Auto Wreckers and our client is not a Potentially Responsible Party under Section 107 (a) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

- I. Joe's Auto Wreckers is not a present owner or operator of a site.

The fact is self evident as the site in question is owned by the Tonolli Corporation.

- II. Joe's Auto Wreckers was not an owner or operator at the time of disposal.

The fact is also self evident and there is no allegation that Joe's was an owner at the time of the disposal.

- III. Joe's Auto Wreckers is not a person who arranged for disposal or treatment of hazardous substances at a site.

On September 6, 1985 and September 10, 1985 Joe's sold three loads of whole batteries, mounted on skids, banded for shipping, enclosed in plastic and banded again to the Tonnolli Corporation. Tonolli was to have paid three and a half (3½) cents per pound. Tonolli advised my client that these batteries were going to be recycled. Attached hereto please find copies of the receipts representing this sale.

- IV. Joe's Auto Wreckers is not a transporter of hazardous substance to a site.

These batteries were picked up by a carrier under the hire of the Tonolli Corporation. The indication on the receipts is that the carrier was Branoff.

Accordingly, since Joe's Auto Wreckers, Inc. is not a Potentially

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Tonolli Corporation Site

Responsible Party my client does not desire to participate in the Remedial Investigation/Feasibility Study procedures.

If you have any problems or questions please feel free to contact me.

Very truly yours,

FUHRMAN & EDELMAN

BY 
RONALD B. EDELMAN

RBE:sm/Enclosures

cc: Joseph C. Silipena
Joe's Auto Wreckers
Martin S. Wilson, Jr., ESquire

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